<u>REMARKS</u>
        Reconsideration of the application is respectfully
requested. Claims 1-6 and 9-12 were rejected under Section
5   102 as being anticipated by Wilcock. This rejection is
respectfully traversed. No new matter has been added to the
claims. For example, the digital signature created by the
user is supported on page 5, lines 22-29, page 7, lines 9-11
and page 10, lines 22-30 of the patent application. The
10   digital image of the user is supported on page 5, lines 25,
page 8, lines 28-29 and page 9, lines 6-7.

        In summary, the present invention is an effective
way of proving that a person was physically present at a
certain location at a certain time. First a digital image,
15   such as a picture, it created of the user her/himself when the
user is located at the location at the time. The digital
image is stored in a user terminal, such as a mobile phone,
that is disposed at the location and the time also. The
location data is then retrieved and the user creates a digital
20   signature of the user by digitally signing the location data
of the location in the user terminal. This combination is
delivered to a third part that time stamps the combination to
prove that the user was present at the location and the
particular time. In other words, the method requires both a
25   digital image of the user and the digital signature of the
user are time stamped. This proves that the user was present
at the location at the time of the time stamp.

Wilcock merely describes a conventional method for location stamping of digital photos so they can be organized in an album program. A camera is used to take an image. The camera has a GPS system to provide the location data of the

5   location at which the image was taken (col. 3, lines 48-64). The location information may also be transferred from a mobile phone to the camera (col. 9, lines 54-56). This information is downloaded to the album program. The meta- data such as user ID may be supplied automatically by the camera or later

10 added by the user when downloading photos (col. 4, lines 45- 47). This means the user does not have to be at the location where the picture is taken. In col. 5, lines 3-10, Wilcock further explains that the user ID must be set into the camera at some stage by the user. This means anybody can use the

15 Wilcock's camera to take pictures on behalf of the user associated with the user ID. The user may also be enabled to add in user ID data for the whole batch overriding any such data coming from the camera (col. 6, lines 7-9). The user ID can thus be manipulated and changed after the pictures were

20 taken if necessary so that pictures taken by somebody else can be attributed to the user of the user ID.

It is submitted that neither Wilcock nor any other cited reference teaches or suggests the novel features of the amended claim 1. More particularly, none of the cited

25 references teaches creating a digital image of the user disposed at the location at a certain time and requiring the

user to create a digital signature by digitally signing the location data. The references also fail to teach the step of distributing the combination of the digital image and the signed location data to a third party that time stamps the

5 combination to prove that the user was present at the location at the time of the time stamp.

Wilcock is focused on organizing photos in an album program not to prove the user was present at a particular location at a particular time. Nowhere does he teach or

10 suggest taking a digital image of the user and requiring the user to create a digital signature by digitally signing the location date and then having the combination of the digital image and the signed location data time stamped by a third party to prove that the user was present at the location at

15 the certain time. Even if the album program is considered to be a third party (which is really a stretch of the meaning), there is no location data, that has the user's digital signature, distributed to the album program (third party) and the album program does not time stamp the combination of the

20 digital image and the signed location data.

Vatanen does not cure these deficiencies. Vatanen merely discloses method for a digital signature. Vatanen's invention is for a very different purpose such as using digital signatures for commercial transactions and paying

25 bills. Applicant does not claim that using digital signatures is new. However, it is submitted that Wilcock, Vatanen or any

other cited reference fails to teach or suggest the user

creating a digital signature by signing the location data of

the location and distributing the combination of the digital

image of the user and the signed location date to a third

5   party for time stamping to prove that the user was present at

the location at the time of the time stamp.

Applicant fails to see why a person of ordinary

skill in the art would look to Wilcock and the other cited

references when those references completely fail to teach or

10   suggest all the limitations of the amended claim 1.

In view of the above, the amended claim 1 is

submitted to be allowable.

Claims 2-6 and 9-12 are submitted to be allowable

because they depend upon the allowable base claim 1 and

15   because each claim includes limitations that are not taught or

suggested in the cited references.

Claims 7-8 were rejected under Section 103 as being

obvious over Wilcock in view of Vatanen. This rejection is

respectfully traversed.

20   Claims 7-8 are submitted to be allowable because

they depend upon the allowable base claim and because each

claim includes limitations that are not taught or suggested in

the cited references.

RF 502.1126USN 10/4/06   - 9 -

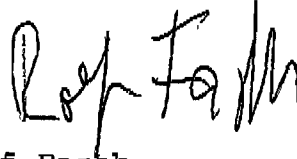The application is submitted to be in condition for allowance, and such action is respectfully requested.

5   Respectfully submitted,

                                     FASTH LAW OFFICES

10

                                     Rolf Fasth
                                     Registration No. 36,999

15
     FASTH LAW OFFICES
     26 Pinecrest Plaza, Suite 2
     Southern Pines, NC 28387-4301

20   Telephone: (910) 687-0001
     Facsimile: (910) 295-2152